



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

ANDREW B. SPEARS
Assistant Corporation Counsel
phone: (212) 356-3159
fax: (212) 356-1148
aspears@law.nyc.gov

November 24, 2020

VIA ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMORANDUM ENDORSEMENT

Re: Komatsu v. City of New York, et al.
18 Civ. 3698 (LGS) (GWG)

Your Honor:

I am the attorney assigned to represent defendants the City of New York, Drummond, and Jackson in the above-referenced matter. Defendants write to respectfully request a 90-day extension of discovery from the disposition of defendants' anticipated motion to compel (ECF No. 432). Plaintiff has consented to this request.

By way of background, on July 28, 2020, the Court re-opened discovery in this matter, which had been stayed pending the disposition of plaintiff's motion to amend. (ECF No. 405). Pursuant to the Court's Order, the deadline to complete all discovery in this matter was extended to November 30, 2020. (*Id.*) On November 4, 2020, defendants submitted a pre-motion conference letter regarding defendants' anticipated motion to compel plaintiff to provide full and complete responses to defendants' discovery demands. (ECF No. 432). On November 20, 2020, plaintiff filed a letter purporting to respond to defendants' motion to compel. (ECF No. 437). The current deadline to complete discovery is November 30, 2020.

Defendants respectfully submit that an extension is warranted as defendants are severely hampered in their ability to continue their defense of this action by plaintiff's failure to provide complete responses to their discovery demands. Defendants cannot depose the plaintiff until they have received complete responses to their written discovery demands. Additionally, defendants' discovery demands seek the execution of varying releases for medical records and other pertinent information, which must be processed upon receipt. It will take considerable time for those releases to be processed, particularly in light of the current conditions surrounding the global health crisis, which continues to affect City agencies, healthcare providers, and other

entities in their ability to respond to document requests. For the foregoing reasons, defendants respectfully request that the Court extend the time to complete discovery in this matter until 90 days after the resolution of defendants' motion.

Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

Andrew B. Spears /s

Andrew B. Spears
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA E-MAIL ONLY**
Towaki Komatsu
Plaintiff *pro se*
802 Fairmount Pl.
Apt. 4B
Bronx, NY 10460
Towaki_Komatsu@yahoo.com

The Court finds it preferable to set deadlines. The parties are free to seek an extension if they can show good cause in the future. Accordingly, the deadlines in the scheduling order dated October 31, 2019 (Docket # 261) are extended as follows: paragraph 3 deadlines (regarding expert witness disclosures) extended to January 28, 2021, and March 1, 2021; paragraph 4 deadline (for all discovery to be completed) extended to March 1, 2021; paragraph 5 deadline (for filing summary judgment motions) extended to March 15, 2021. Docket # 261 otherwise remains in effect. The Clerk is requested to mail a copy of this Order to plaintiff.

SO ORDERED.

November 24, 2020

Gabriel W. Korenstein
GABRIEL W. KORENSTEIN
United States Magistrate Judge

DECLARATION OF SERVICE BY E-MAIL

I, Andrew B. Spears, declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury that on November 24, 2020 I served the following:

- Letter to Judge Gorenstein re: 90-Day Extension of Discovery, dated November 24, 2020

in the case captioned Komatsu v. City of New York, et al., 18 Civ. 3698 (LGS) (GWG) by e-mailing a copy of the same, upon the following:

Towaki Komatsu
Plaintiff pro se
802 Fairmount Pl.
Apt. 4B
Bronx, NY 10460
Towaki_Komatsu@yahoo.com

Dated: New York, New York
November 24, 2020

Andrew B. Spears /s

Andrew B. Spears
Assistant Corporation Counsel
Special Federal Litigation Division